



ALERTS

DOJ, HHS, And FTC Request Public Comment On Effects Of Private Equity Transactions On Healthcare Providers

March 14, 2024

Highlights

A request by the DOJ, FTC and HHS for public comments solicits information related to the anticompetitive effects of private equity investment in healthcare

The information likely will be used to revise current laws to ensure certain private equity transactions need to be reported to the DOJ or FTC prior to closing

Comments are due May 6, 2024

Three federal agencies – the Department of Justice’s Antitrust Division (DOJ), the Federal Trade Commission (FTC), and the Department of Health and Human Services (HHS) – have requested public input on the effects of transactions involving healthcare providers conducted by private equity funds or other alternative asset managers, health systems, or private payers. Comments are to be submitted by May 6, 2024, to [regulations.gov](https://www.regulations.gov).

The agencies expressed concerns that such transactions generate profits for private equity firms at the expense of patients’ health, workers’ safety,

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and affordable healthcare for patients and taxpayers. The HHS [noted](#), “Comments submitted in response to the joint request will inform the agencies’ enforcement priorities and future action, including potential regulations aimed at promoting and protecting competition in health care markets and ensuring appropriate access to quality, affordable health care items and services.”

The request for public comments specifically asks for information on transactions that fall under the current thresholds for government reporting. Under current laws, mergers valued over \$119.5 million need to be disclosed to the DOJ or FTC, and the parties must then wait at least 30 days before closing. This provides notice to the government of the transaction and allows the government to intervene if the transaction appears to have anticompetitive effects. Transactions under the threshold, generally have not been subject to the same notice requirements, though that could soon change depending on the public comments to this joint request.

For more information or for assistance with submitting comments, please contact the Barnes & Thornburg attorney with whom you work or Jason Schultz at 574-237-1210 or jason.schultz@btlaw.com or Tom Hutchinson at 317-261-7975 or thomas.hutchinson@btlaw.com.

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